

JUVENILE SUPERVISION OFFICER BASIC COURSE

Juvenile Rights



PARTICIPANT GUIDE

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JUVENILE RIGHTS

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INTRODUCTION

This course will provide an overview of the rights juveniles have when detained in a juvenile facility. The correlation between the Constitution and the Texas Administrative Code will be examined, along with what juveniles are able to do if they believe their rights are being violated.

OBJECTIVES

1. Distinguish between juvenile rights and privileges.
2. Identify the protected rights juveniles have, as outlined in the Texas Administrative Code, while detained in a juvenile facility.
3. Using knowledge obtained from this course, analyze scenarios to ensure juvenile rights are protected.

SECTION I: WHAT'S THE DIFFERENCE?

| Juvenile Rights vs. Privileges

Rights

- Liberties afforded to all
- Guaranteed by law
- Entitled to; do not have to be earned

Examples –

- clean clothes
- nutritious meals
- adequate supervision
- proper medical treatment
- freedom from discrimination

Privileges

- Items, activities, or actions earned by displaying appropriate behavior or actions
 - consistent behavior during the day
 - good school performance
 - achievement of assigned goals
- Not guaranteed

Examples –

- television time
- radio in housing unit room
- play time on gaming system
- additional minutes of shower time

NOTES

SECTION II: RIGHTS OF JUVENILES

| Constitutional Amendments

- 1st Amendment
 - right to free speech and press
 - right to protest with a group
 - protects religious beliefs
 - 4th Amendment
 - right to privacy
 - freedom from unreasonable search and seizure
 - 5th Amendment
 - right to due process
 - protects against double jeopardy
 - 6th Amendment
 - right to speedy trial
 - impartiality during trial
 - right to legal counsel
 - 8th Amendment
 - prohibits cruel and unusual punishment
 - prohibits excessive bail | fine amounts
 - 14th Amendment
 - Equal protection under the law
 - Access to medical | health services
 - Prohibits deprivation of life | liberty | property without due process
-
-

| Discrimination – TAC §343.368

- Prohibits discrimination from delivery of programs or services based on –
 - race
 - national origin
 - sex
 - religion
 - sexual orientation
 - gender identity
 - disability

Examples of programs –

- Education
- Counseling
- Physical activity
- Nutrition
- Medical

Amendment(s) | _____

| Supervision – TAC §343.370

- JSOs primary role – supervise juveniles
- Juveniles must not supervise one another

JSOs must –

- Be properly trained | certified
- Abide by mandatory ratios
- Follow gender specific provisions

Amendment(s) | _____

| Access to Legal Counsel TAC §343.356

Juveniles may have contact with attorney, by –

- Telephone calls
- Uncensored letters
- Personal visits
- Only visible contact by JSO needed during visit
- JSOs must **never** provide legal advice

Amendment(s) | _____

| Working in a Juvenile Facility – TAC §343.372

- Vocational training
- Community service restitution
- Routine housekeeping
 - room cleaning
 - sweeping housing unit
 - wiping down tables in dining room

Amendment(s) | _____

| Visitation

TAC outlines visitation guidelines – TAC §343.352

- Parent | legal guardian | custodian
 - Once every 7 calendar days
 - 30 minutes
- Family must be notified of visitation schedule
- Register of visitors
 - name
 - relationship
 - date
 - time of visit

Amendment(s) | _____

| Communication

Telephone Calls – TAC §343.358

- One 5 minute phone call
- Every 7 calendar days
- Detailed documentation
 - Time of call
 - Length of call
 - Name of who juvenile spoke with

Amendment(s) | _____

Mail – TAC §343.360 – §343.366

- 2 letters every 7 calendar days
- If letters opened in presence juveniles, only to inspect for contraband
- Specific instances when mail may not be received, outlined in TAC

| Medical | Mental Healthcare – TAC §343.326 – §343.351

- Screenings and assessments
- Medical services
 - physical exams
 - dental | eye care
 - medication administration
- Mental health services; monitor and treat:
 - disorders
 - trauma
 - suicidality
- Suicide prevention plan

JSOs must –

- Report suspicious, dangerous, or self-harming behavior
- Follow standards and local policy regarding medication requirements

Amendment(s) | _____

| Basic Necessities – TAC §343.262 – §343.270

Hygiene

- Soap
- Shampoo
- Toothbrush
- Deodorant
- Brush | comb

Showers

- One shower daily
- Available after participation in strenuous exercise

Bedding

- Mattress
- Mattress cover or fitted sheet
- Sheet
- Blanket
- Pillow with case

Towels

- Clean towel issued daily

Clothing

- Clean clothes when admitted
- Undergarments and socks issued on daily basis
- Clothing options available depending on weather or programming

Amendment(s) | _____

| Religion – TAC §343.384

- Juveniles may participate in religious services
- Exceptions – safety and security concerns
- Juveniles may consume | avoid specific diet options

Amendment(s) | _____

| Juvenile Grievance Process – TAC §343.376

- Provides a formal process to address complaints about treatment
- Highlights ways in which problems may be dealt
- Promotes rehabilitation
- Provides useful information to administration regarding facility concerns
- Emphasizes whether certain rules may be unduly harsh and unfair

ACTIVITY: GOT A GRIEVANCE?

Instructions: In groups, read the assigned scenario(s) and answer the related questions. After everyone is finished, we will discuss the scenarios as a large group.

| Scenario 1

One day after dinner, Joseph and Timothy were involved in a fight with each other. The fight resulted in both juveniles being imposed with disciplinary seclusion for twenty-four hours (with a JSO personally observing each juvenile and recording their behavior at random intervals, not exceeding 15 minutes). It was Joseph’s first incident since he was detained; however, it was the seventh incident of fighting for Timothy. After an emergency team meeting to discuss the altercation, it was decided Timothy would lose his program status because of his prior history of assaultive behavior.

Timothy decided to file a grievance; claiming his rights were violated because staff failed to follow the rules outlined in the resident handbook. Timothy claimed because he received disciplinary seclusion and a loss of his program status, that he was subjected to “cruel and unusual punishment.”

Q: Does this describe a violation of standards? Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

| Scenario 2

Due to an increase in female juveniles at a facility, the number of beds provided for girls was inadequate. As a result, the facility designated one of its empty male wings as a new housing unit for girls. Because the facility was designated co-ed, one male and one female JSO had to be present per shift.

Three female juveniles filed a grievance, claiming their privacy was violated when a male staff member visually observed them during showers.

Q: Does this describe a violation of standards? Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

| Scenario 3

Jane requested to shave her legs during hygiene time. It was the fourth day she asked staff and each time she was told no.

Jane decided to file a grievance, that indicated she was treated unfairly and that her rights were violated because she was not allowed to shave her legs. She further stated if she was allowed to shave her legs, she would be in a better mood and would likely not act out against staff.

Q: Does this describe a violation of standards? Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

| Scenario 4

One afternoon, staff members conducted room searches in a housing unit and found contraband (razor) in Arnold’s room, in plain view on top of his school folder. Arnold denied the razor was his and blamed Douglas, who he claimed had been trying to get him in trouble all week. Arnold was told it was impossible for Douglas to enter his room and was issued a twenty-four hour disciplinary seclusion for contraband.

Arnold filed a grievance and complained staff had violated his right to privacy by allowing another juvenile to enter his room and plant contraband.

Q: Does this describe a violation of standards Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

| Scenario 5

On Good Friday, juveniles were served beef enchiladas, rice, beans, and peaches for their evening meal. The menu, previously approved by the juvenile facility dietitian, met the minimum daily requirements for nutrition and serving sizes, however Jonathan, who is Catholic, told staff he was not allowed to eat beef on this particular day. Jonathan was told he informed staff to late and an alternate meal was not available. Jonathan went to bed that evening without dinner.

Jonathan later filed a grievance and said his rights were violated because they he was not provided with a meal that aligned with his religious beliefs.

Q: Does this describe a violation of standards? Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

| Scenario 6

After arriving to a church service, Trevor told JSO Stark he did not want to stay for the service. JSO Stark told Trevor he had to remain for the service, because he was already there.

Later, Trevor filed a grievance, and reported his rights were violated because he was forced to attend a church service when he did not want to.

Q: Does this describe a violation of standards? Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

| Scenario 7

Donald, due to appear in court next week, is anxious about what the outcome of his case is going to be. His attorney told him she would visit with him tomorrow to discuss the case. On the day of the visit, Donald was sent to security due to an altercation he had with another juvenile. He remained in security for the rest of the evening and was never called to visit with his attorney. Donald complained to staff about missing a visit with his attorney and was told his attorney did come by, however because of his inappropriate behavior, he was not allowed to visit with her.

Donald filed a grievance, and stated his right to visit with his attorney was violated and blamed his behavior on anxiety surrounding his court appearance.

Q: Does this describe a violation of standards? Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

| Scenario 8

One evening, after shower time, Jorge complained of stomach pains, which he had told staff about earlier and said he needed to see a medical professional. JSO Sanchez told Jorge he would let medical staff know, however, due to the evening schedule, he forgot to relay the message. Jorge went to bed and never saw a medical professional.

The next morning, Jorge filed a grievance, reporting his right to medical care had been violated.

Q: Does this describe a violation of standards? Why?

Q: After reviewing the situation, what step(s) may have been taken to avoid or resolve it?

SECTION III: JSO DUTIES | GRIEVANCE PROCESS

- Remain firm | equitable | consistent
- Ensure grievances are filed appropriately
- **Never** interfere with the grievance process

| Prohibited Sanctions – TAC §343.710 – §343.804

- Corporal punishment
- Humiliating punishment
- Allowing | directing one juvenile to sanction another
- Group punishment for acts of individuals
- Deprivation or modification of –
 - required meals or snacks
 - normal food service procedures
 - clean | appropriate clothing
 - scheduled sleep opportunities
 - medical | mental health services
- Physical exercise imposed for –
 - compliance
 - intimidation
 - discipline
- Using the following as disciplinary sanctions –
 - visitation
 - sending | receiving mail
 - large muscle exercise
 - educational programming
 - religious services | counseling

ACTIVITY: WHAT VIOLATION?

Instructions: After watching the video, identify conditions the juveniles were subjected to, the constitutional amendments and specific juvenile standards being violated, along with alternate ways the juveniles should have been treated. You may take notes while watching the video. After everyone is finished, we will debrief as a large group.

NOTES

Q: What conditions were the juveniles subjected to?

Q: Based on the video, which constitutional rights discussed today could have been violated? Why?

Q: Applying the specific standards discussed today, which were possibly violated?

Q: What interventions should have been implemented for these juveniles?

FINAL THOUGHTS

- Juvenile rights are in place to keep juveniles safe from harm and must not be violated.
- Taking the time to become familiar with the Texas Administrative Code is critical in the role of a JSO.
- Juveniles may file a grievance at any time and staff must never interfere with the process.

NOTES

APPENDIX

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ACTIVITY | WHICH IS IT?

Instructions: Cut each amendment. Use them during the course, when playing “Which Is It?” Hold up the amendment which best correlates with the juvenile right the trainer presents.

